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INFO RUEHEE/ARAB LEAGUE COLLECTIVE PRIORITY
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UNCLAS SECTION 01 OF 03 KUWAIT 001833

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NATIONAL ASSEMBLY

SUBJECT: KUWAITI AMIR DISSOLVES PARLIAMENT; NEW ELECTIONS

JUNE 29

- REF: A. KUWAIT 1789: FREEDOM AGENDA - THE GOVERNMENT
KEEPS ITS COOL AS PRESSURE ON ELECTORAL
REFORM HEATS UP
[1](#)B. KUWAIT 1773: FREEDOM AGENDA - BETWEEN
DISSOLUTION AND "GRILLING"
[1](#)C. KUWAIT 1744: FREEDOM AGENDA - KUWAIT'S ORANGE
REVOLUTION
[1](#)D. 99 KUWAIT 4870: REFLECTIONS ON KUWAIT'S
UNPRECEDENTED 91-DAY POLITICAL DRAMA

[1](#)1. (U) Summary and comment: On May 21, the Amir issued decree 146 exercising his constitutional power to dissolve Parliament after weeks of contentious debate on reducing the number of electoral constituencies reached an impasse with 29 Members of Parliament (MPs) intent on "grilling" the Prime Minister unless the Government supported five constituencies. Describing democracy as "deeply rooted in Kuwait" and expressing regret at the failure of discussions between MPs and an intergovernmental committee charged with studying electoral reform, the Amir said it was incumbent upon him to make this difficult decision for the sake of Kuwait's security and unity. Per Article 107 of the Kuwaiti constitution, new elections must be held within two months and Amiri decree 147 released after the dissolution scheduled elections for Thursday, June 29.

[1](#)2. (SBU) This Parliament has been notable for its inaction on important reforms and for focusing instead on pork barrel legislation. At the same time, the Prime Minister's divided cabinet did not exercise strong leadership in dealing with the Assembly. The upcoming elections will be the first national elections in Kuwait's history in which Kuwaiti women will be allowed to participate as both voters and candidates. Women's participation in the elections will more than double the number of voters. In the period before the elections, the Amir can move forward on pressing legislative matters by issuing decrees, but this authority is checked by the requirement that any Amiri decrees issued during the period when Parliament is dissolved are voided unless approved retroactively when Parliament is reelected. End summary and comment.

[1](#)3. (U) Suggested (IF ASKED) Press Guidance: We have followed closely the debate in Kuwait over reforms to the electoral law and understand the Amir has exercised his constitutional power to dissolve the Assembly and call for new elections. This is an internal political matter that we trust will be resolved in accordance with the provisions of the Kuwaiti constitution. Since May of last year when the

vote was extended to women, Kuwait has been making important strides in expanding freedom. As a good friend, the United States extends full support to the Government and people of Kuwait at this important time in the political history of the country.

The Constitutional Power to Dissolve Parliament

¶4. (U) On May 21, following weeks of contentious debate on reducing the number of electoral constituencies from the current 25, Amir Shaykh Sabah Al-Ahmed Al-Jaber Al-Sabah exercised his constitutional powers and dissolved Parliament by Amiri decree 146. In a televised national address, the Amir summarized the weeks of discussion on electoral district reform and said he had hoped that an ongoing dialog between MPs and an intergovernmental committee would be successful. Saying "There is no doubt that the charged climate in which wisdom was absent did allow for practical solutions," he concluded that, for the sake of Kuwait's security and national unity, there was no other option but to dissolve Parliament. According to Article 107 of the Kuwaiti constitution, new National Assembly elections must be scheduled within two months or the dissolution will be voided and the Assembly reelected. Amiri decree 147 set an election date of June 29. During the dissolution period, Article 71 permits the Amir to issue decrees which will have the full force of law. Once elected, a new National Assembly must approve such decrees in order for them to remain valid. (Texts of Articles 71 and 107 provided below.)

¶5. (SBU) Parliament has been dissolved three times, most recently in 1999 for a 91-day period (May 4 - August 3, 1999). Former Amir Shaykh Jaber Al-Ahmed Al-Jaber Al-Sabah

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concluded that the GOK and Parliament were unable to cooperate and strictly followed constitutional procedure by dissolving Parliament and immediately scheduling elections. Current Amir Shaykh Sabah, then First Deputy Prime Minister/Foreign Minister, was reportedly the driving force behind the 1999 dissolution decision. There are also two cases of unconstitutional parliamentary dissolution. In 1976 and again in 1986, the Amir dissolved Parliament by decree and failed to schedule new elections within the prescribed two-month period. The first dissolution lasted four and one-half years; the second lasted for six years and three months.

Dissolution: Not Necessarily a Bad Thing

¶6. (SBU) The Amir is acting in accordance with his constitutional powers in dissolving Parliament and the decision may bode well for Kuwait's continued democratic and economic reform. The current Assembly has distinguished itself by its inability to pass more than a few laws that serve the national interest, instead focusing on pork barrel legislation such as raising public sector salaries and forgiving outstanding electricity bills and interest on loans, initiatives that were rejected by the Government. Some observers suggest the Amir could introduce a redistricting plan during the dissolution period on which the upcoming elections would be based. Even if this does not happen, the participation of women in the elections for the first time in Kuwait's history will more than double the number of voters and reduce the potential for electoral corruption. The end result could be a Parliament that is less tainted by vote buying and more focused on national issues than the previous one.

¶7. (SBU) Many Kuwaitis are likely to support the dissolution due to their frustrations with the current Parliament and their feeling that the debate over electoral reform has gone too far. Criticism of the Government has been particularly intense and many MPs' personal attacks against Cabinet

members like Energy Minister Shaykh Ahmed Al-Fahd Al-Sabah and Deputy Prime Minister and Minister of State for Cabinet Affairs/National Assembly Affairs Mohammed Sharar for blocking reform legislation are unprecedented. Others however will blame the Prime Minister and a divided cabinet for not exercising clear and strong leadership.

A Last Resort

¶8. (SBU) Many see the dissolution as a last resort for the Government intent on reasserting its authority over an elected assembly seeking to grab a larger share of power. From the moment a bloc of 29 Members of Parliament (MPs) who support five constituencies, rather than the ten proposed by the Government, walked out of Parliament on May 15 in protest of the Government's proposal, tension has been steadily increasing. In a May 19 rally, the MPs reiterated their intention to grill the Prime Minister if the Government refused to withdraw its proposal and introduce a five constituency plan instead. They also vowed to boycott on May 22 an extraordinary session of Parliament called by the Government to discuss its proposal. Blasting the Government, Salafi MP Walid Al-Tabtabaei told the demonstrators, "There is nothing left for the PM but to resign." Ahmed Al-Mulaifi echoed this view, telling reporters, "There is no room for any negotiations. It's either five constituencies or the questioning of the premier." According to most estimates, over 1,000 people attended the rally.

¶9. (SBU) Parliament's 18-member Independent Bloc, which claims to support ten constituencies but opposes the Government's proposal, held a counter demonstration on May 20. The Independent Bloc MPs also criticized the Government for demographic disparities between the ten constituencies in its proposal and threatened to boycott the May 22 session if the Government failed to introduce a "fair" reform plan.

So What's Next?

¶10. (SBU) Although elections have now been scheduled for June 29, decisions have yet to be made on candidate

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registration. Potential female candidates who were preparing for 2007 elections have already begun to organize for an intense one-month campaign. The Amir may use the dissolution period to issue Amiri decrees passing legislation that has long languished in Parliament and/or to announce a redistricting plan. It is unlikely though that he will approve highly controversial legislation, like the Kuwait Project (development of the northern oil fields), since all decrees issued during the dissolution period must be ratified retroactively by the new Parliament. The one exception could be a redistricting plan since the elected MPs would benefit from the change and thus be unlikely to reverse it. Parliament can also scuttle decrees. In 1999, Parliament failed to approve an Amiri decree, issued during the dissolution period, granting women full political rights. Despite support for the measure among some MPs, they failed to ratify the decision to signal opposition to the decree process.

¶11. (U) Begin text of Articles 107 and 71 of Kuwait's Constitution.

Assembly Dissolution: Article 107

The Amir may dissolve the National Assembly by a decree in which the reasons for dissolution shall be indicated. However, dissolution of the Assembly may not be repeated for the same reasons.

In the event of dissolution, election for the new Assembly

shall be held within a period not exceeding two months from the date of dissolution.

If the elections are not held within the said period, the dissolved Assembly shall be restored to its full constitutional authority and shall meet immediately as if the dissolution had not taken place. The Assembly shall then continue functioning until the new Assembly is elected.

Amiri Decrees: Article 71

Should necessity arise for urgent measures to be taken while the National Assembly is not in session or is dissolved, the Amir may issue decrees in respect thereof which shall have the force of law, provided that they shall not be contrary to the Constitution or to the appropriations included in the budget law.

Such decrees shall be referred to the National Assembly within fifteen days following their issue if the Assembly is in being. If it is dissolved or its legislative term has expired such decrees shall be referred to the next Assembly at its first sitting. If they are not thus referred they shall retrospectively cease to have the force of law, without the necessity of any decision to that effect. If they are referred and the Assembly does not confirm them, they shall retrospectively cease to have the force of law, unless the Assembly approves their validity for the preceding period or settles in some other way the effects arising therefrom.

End text.

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